



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/207,282	12/08/1998	MICHAEL R. CONBOY	11729.184US0	6584

7590 05/23/2002

ROBERT J. CRAWFORD
CRAWFORD PLLC
1270 NORTHLAND DRIVE
SUITE 390
ST. PAUL, MN 55120

EXAMINER

BUTLER, MICHAEL E

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 05/23/2002

22

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No. 09/207,282	Applicant(s) Conboy et al.
Examiner Michael E. Butler	Art Unit 3653

All participants (applicant, applicant's representative, PTO personnel):

(1) Michael E. Butler

(3) _____

(2) Kelly Waltignee

(4) _____

Date of Interview May 20, 2002

Type: a) Telephonic b) Video Conference
c) Personal [copy is given to 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No. If yes, brief description:

Claim(s) discussed: _____

Identification of prior art discussed:

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Partial review of procedural history concerning power of attorney, address changes, examiner's answer, reply brief was discussed. In September of 2000, the clerical staff contacted and left a message with Robert Crawford regarding the change of address attempt by an attorney not of record (No authorization to act under a power of attorney). After one week without a returned call, the docket staff sent out a notice of defective change of address and the corresponding address remained at Merchant and Gould. A subsequent attempted change of address was made on 4/24/01 which was not entered due to the attorney's absence of an authorization for power of attorney. During the first advisory action, the examiner suggested obtaining a power of attorney after the paralegals found (with some extra effort) that the practitioner had fully complied with the alternate terminal disclaimer procedure available to practitioners not of record. A derivative power of attorney authorization was submitted in June 01. An examiner's answer was mailed 11/23/01 to the address of record at Merchant and Gould. Applicant submitted a new change of address on 12/28/01. A miscellaneous communication to applicant was mailed on 1/4/02. This appears to have been a second mailing of the reply brief to the new address. (The record neither shows whether there was an applicant request to reset the response date nor whether a response was requested and denied because of the failure to first obtain a power of attorney before submitting a change of address). Merchant and Gould forwarded the examiner's answer in January to Crawford LLC. Applicant submitted a reply brief on 3/4/02. Following an inability of the docket clerk to enter the latent reply brief into the PALM system, the case was reviewed by a SPE acting as the PALM trouble shooter. Upon that review, the determination was that first mailing was the time controlling date and the examiner was directed to hold the reply as having been filed untimely per 37 CFR 136 (B), not enter, and not consider the reply brief.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



MICHAEL E. BUTLER
PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required